

Political Advertising Disclaimers

Under California's Political Reform Act, committees must put "paid for by" disclaimers on campaign advertising, including campaign mailers, radio and television ads, telephone robocalls, and electronic media ads. This brochure discusses "disclaimer" requirements for committees that purchase advertisements or circulate material supporting or opposing a state or local candidate or ballot measure in California.

What is a disclaimer?

A "disclaimer" is the portion of a political message that identifies the person or entity who paid for or authorized the communication. "Paid for by *committee name*" is the basic disclaimer required by the Act on most campaign communications sent by a *committee*.

Who is a committee?

A candidate's campaign committee, a political action committee, a political party committee, a major donor, and a person or entity making independent expenditures on candidates or ballot measures in California are all types of committees. A person or entity qualifies as a *committee* under the Act if they receive contributions from others for political purposes of \$1,000 or more per year; if they make independent expenditures on California candidates or ballot measures of \$1,000 or more per year; or if they make contributions to California candidates or ballot measures of \$10,000 or more per year.

When is a disclaimer required on political ads or materials?

Political committees must include the following disclaimers:

- **Mass mailings** must include identification of the sender;
- **Paid telephone calls** must identify the candidate or committee who paid for or authorized the call;
- **Radio and television ads** must include "paid for by" disclaimer under Federal Communications Commission (FCC) law;

Ballot measure ads and independent expenditure ads require major funding disclaimers:

- **Broadcast ads, including television, radio, and electronic media advertisements** must include "paid for by *committee name*" and list top two donors of \$50,000 or more;
- **Newspaper ads, billboards, yardsigns, and other print advertisements for ballot measures** must include "paid for by *committee name*" and list top two donors of \$50,000 or more.

Are the Act's disclaimer rules the same for all committees and all ads?

No. Basic disclaimer rules apply to campaign materials disseminated by a candidate for their own election campaign because it is generally clear to the public that the candidate is sending the communication. Stricter disclaimer rules apply to (1) ballot measure advertisements and (2) independent expenditure advertisements on candidates and ballot measures, because it is less clear to the public who is responsible for these ads.

What does the disclaimer have to state?

The basic disclaimer must state: "Paid for by *committee name*." Ballot measure and independent expenditure ads must also list top two donors of \$50,000 or more and special committee name rules apply. All *independent expenditure* ads for or against a candidate must state that the ad was: "Not authorized by a candidate or a committee controlled by a candidate."

What is an independent expenditure?

An "independent expenditure" is an expenditure made by any person in connection with a communication that expressly advocates the election or defeat of a clearly identified candidate or measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made at the behest of (e.g., in consultation, cooperation or coordination with) the affected candidate or committee. For further clarification see FPPC Regulations 18225 and 18420.1.

Political Advertising Disclaimer Charts

Click on these links to charts showing the disclaimer requirements for your communication.

Candidates

1. [Communications by Candidate Committees for their own Election](#)

2. [Independent Expenditure Ads on Candidates](#)

(by general purpose recipient committees, major donors, and independent expenditure committees)

Ballot Measures

3. [Ballot Measure Ads](#) (by committees primarily formed for a state or local ballot measure)

4. [Independent Expenditures Ads on Ballot Measures](#)

(by general purpose recipient committees, major donors, and independent expenditure committees)

On mass mailings, what does the disclaimer state?

A mass mailing must include on the outside of the envelope: "Paid for by" and the name and address of the committee. The name must be in a contrasting print or color and no less than 6 point type. If a mass mailing is paid by more than one committee, all committees must be identified on at least one insert in the mailing. The committee that paid the largest amount must be identified on the outside of the envelope.

Candidate:

Paid for by Jones for Mayor 2012 123 Elm Street Elmton, CA 95523	Fred Smith 7200 Oak St Oakville, CA
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Measure:

Paid for by Citizens in Support of Measure B 123 Elm Street Elmton, CA 95523	Fred Smith 7200 Oak St Oakville, CA 92253
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Independent Expenditure:

Paid for by ABC Company 123 Elm Street Elmton, CA 95523	Fred Smith 7200 Oak St Oakville, CA 92253
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How must the disclaimer appear?

Disclaimers on political ads and literature must be clear and conspicuous so as to be understood by the intended public. Written disclaimers must be printed clearly and legibly. Spoken disclaimers must be clearly audible and intelligible. Specific requirements for color contrast, print font size and time appearing on screen are listed in the disclaimer charts above.

Updating a disclaimer

When a committee's name changes because of new top donors or otherwise, advertisement disclaimers must be revised. Television, radio or electronic media must be amended within five calendar days. Print media or other tangible items must be amended every time an order to reproduce is placed.

Does a disclaimer have to appear on ALL printed materials or campaign items?

No. A disclaimer is not required on regular-size campaign buttons, pins, bumper stickers, or magnets. It is not required on pens, pencils, rulers, mugs, potholders, key tags, golf balls and similar small campaign promotional items where a disclaimer cannot be conveniently printed. The disclaimer is not required on t-shirts, caps, hats, and other articles of clothing; skywriting; or committee checks and receipts.

Does a disclaimer have to appear on communications from an organization to its members?

For political party communications, yes. For communications from other organizations to their members, a disclaimer is not required.

Is there a penalty for circulating or publishing literature or other material concerning a candidate or ballot measure without a disclaimer?

Yes. The penalty for failing to comply with the Act's disclaimer requirements is a fine of up to \$5,000 per violation. In addition, any person who violates the disclaimer requirements concerning ballot measure and independent expenditure advertisements may be liable for a fine of up to three times the cost of the advertisement, including placement costs.

What is the proper procedure to report violations for circulating or publishing materials without a disclaimer?

You may file a written complaint with the Fair Political Practices Commission's Enforcement division.

Can the FPPC check the truth or accuracy of the political communication?

No. The Act does not regulate the truth or accuracy of the content of political communications, given the broad First Amendment protection for political speech.

Must political messages in literature or other material concerning candidates for federal offices include a disclaimer?

Federal election law governs disclaimers on election materials for federal candidates. Contact the Federal Election Commission at www.fec.gov or (800) 424-9530 for information.

"Do not call" lists

Questions or comments regarding "do not call" lists should be addressed to the National Do Not Call Registry, administered by the Federal Trade Commission (FTC) at www.donotcall.gov. The federal Do Not Call Registry is a list of phone numbers of consumers who want to limit the telemarketing calls they receive. The "do not call" provisions do not cover calls from political organizations, charities, telephone surveyors or companies with which a consumer has an existing business relationship.

Posting political signs on utility poles and other public property

Check local ordinances for rules on posters and yard signs. Local law may restrict or prohibit the placement of campaign signs on government-owned property.

This brochure presents a summary of the law. For further legal information, consult the Act and its corresponding regulations and opinions.